



State of Utah

Department of
Environmental Quality

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DAQ-020-07

MEMORANDUM

TO: Air Quality Board

THROUGH: Richard W. Sprott, Executive Secretary

FROM: Mat Carlile, Environmental Planning Consultant

DATE: February 21, 2007

SUBJECT: Five-Year Reviews: R307-101, R307-110, R307-320, R307-325, R307- 326, R307-327, R307-328, R307-335, R307-340, R307-341, R307-342, and R307-343.

Background

All state agencies are required by the Utah Administrative Rulemaking Act (Title 63, Chapter 46a) to review each of their rules at least every fifth year. Because the statute defines "agency" as the state board or other entity that is authorized by statute to make rules, the responsibility to complete the review falls to the Air Quality Board.

At the end of the review, the agency must file a notice with the Division of Administrative Rules indicating its intent to continue, amend, or repeal the rule. To continue the rule, the agency must address the requirements in 63-46a-9(3)(a) as listed on the attached forms¹. If the agency does not file the form on time, the rule automatically expires, as provided in 63-46a-9(8). Nothing in the review process makes any change in the rule text; if the agency wishes to amend or repeal the rule, a separate action is required under the regular rulemaking procedures (public notice, public comment, and final Board adoption).

¹ The five-year review must include all written comments received since the last review, and the interpretation of the Legislature's Administrative Rules Review Committee is that this includes all comments received during any amendment process, even though the Board has already considered all of those comments and responses. The program used by the Division of Administrative Rules to process agency submittals cannot accept any formatting characters; including tabs or hard returns; therefore, capitalizing titles and subjects is the only acceptable method to indicate separations.

We recommend reviewing rules in functional groups. Therefore, we have decided to review all the ozone rules. Attachment 1 contains a summary of the ozone rules, followed by a copy of the review form to be filed with the Division of Administrative Rules, and a copy of each rule.

Staff Recommendation: Staff recommends that the Board continue these rules by approving the attached forms to be filed with the Division of Administrative Rules.

Attachment 1

Ozone Rules

R307-101. General Requirements.

Section R307-101-2 includes all the definitions that apply throughout all the rules contained in R307. Without them, the remaining rules would be unenforceable.

R307-110. General Requirements: State Implementation Plan.

R307-110 incorporates by reference the various sections and parts of the Utah State Implementation Plan (SIP). Without it, the SIP would not be enforceable, and thus not approvable to EPA. Without a Utah SIP, EPA would be required to impose a Federal Implementation Plan.

R307-320. Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program.

R307-320 requires federal, state, and local governments, including school districts and colleges, to reduce and measure the reduction of drive-alone commuting by employees in Salt Lake and Davis Counties. Much of the promotional work is carried out by the Utah Transit Authority which has an extensive program to connect potential carpoolers and promote vanpools.

R307-325. Ozone Nonattainment and Maintenance Areas: General Requirements

R307-325 establishes general requirements for control of volatile organic compounds, a precursor to ozone, in any ozone nonattainment or maintenance area.

R307-326. Ozone Nonattainment and Maintenance Areas: Control of Hydrocarbon Emissions in Petroleum Refineries

R307-326 establishes Reasonably Available Control Technology (RACT), as required by section 182(2)(A) of the Clean Air Act, for the control of hydrocarbon emissions from petroleum refineries in any ozone nonattainment or maintenance area.

R307-327. Ozone Nonattainment and Maintenance Areas: Petroleum Liquid Storage.

R307-327 requires that petroleum refineries have measures in place to reduce emissions of volatile organic compounds, a precursor to ozone, from their large storage tanks in any ozone nonattainment or maintenance area.

R307-328. Ozone Nonattainment and Maintenance Areas and Utah and Weber Counties: Gasoline Transfer and Storage.

R307-328 establishes Reasonably Available Control Technology (RACT) for control of gasoline vapors during the filling of gasoline transport vehicles and storage tanks in any ozone non-attainment and maintenance areas and Utah and Weber Counties.

R307-335. Ozone Nonattainment and Maintenance Areas: Degreasing and Solvent Cleaning Operations.

R307-335 establishes Reasonably Available Control Technology (RACT) for degreasing and solvent cleaning operations that are located in any ozone nonattainment or maintenance area. The rule is based on federal control technique guidance documents.

R307-340. Ozone Nonattainment and Maintenance Areas: Surface Coating Processes.

R307-340 establishes Reasonably Available Control Technology (RACT), for surface coating operations that are located in any ozone nonattainment or maintenance area. This rule is based on federal control technique guidance documents.

R307-341. Ozone Nonattainment and Maintenance Areas: Surface Coating Processes.

R307-341 establishes reasonably achievable control technology (RACT) requirements for the use or application of cutback asphalt in any ozone nonattainment or maintenance area.

R307-342. Ozone Nonattainment and Maintenance Areas: Qualification of Contractors and Test Procedures for Vapor Recovery Systems for Gasoline Delivery Tanks.

R307-342 establishes the requirements for the qualification of contractors to perform vapor tightness tests on gasoline transport vehicles equipped with vapor recovery equipment in any ozone nonattainment or maintenance area.

R307-343. Ozone Nonattainment and Maintenance Areas: Emissions Standards for Wood Furniture Manufacturing Operations.

R307-343 regulates wood furniture manufacturers that have the potential to emit 25 tons or more of volatile organic compounds each year in any ozone nonattainment or maintenance area.